

## **REMARKS**

Claims 1, 3-11, 13-23, and 25-33 were pending in this application. By this amendment, claims 23 and 25-33 are canceled. Thus, claims 1, 3-11, and 13-22 are now pending. Applicants respectfully request reconsideration of this application in light of the above amendments and the following remarks.

### **Rejections under 35 U.S.C. § 101**

Claims 23 and 27 stand rejected under 35 U.S.C. § 101. In view of the cancellation of claims 23 and 37, and those claims dependent on claims 23 and 27, Applicants believe this rejection is now moot, and should be withdrawn.

### **Rejections under 35 U.S.C. § 102**

Claims 1, 3-11, 13-23, and 25-33 stand rejected under 35 U.S.C. § 102(e), as anticipated by Gilliam et al. U.S. Patent Number 7,206,765 (“the Gilliam patent”). Applicants respectfully submit that the Gilliam patent fails to disclose or suggest each feature recited in claims 1, 3-11, and 13-22, as pending herein. Claims 23 and 25-33 are cancelled herein.

Independent claims 1, 5, 11, and 15 recite, in relevant part, specifying an element having a variable and corresponding value for the variable, generating a template of the rights expression information, including removing the value for the variable from the element, generating an identification for the template, and transmitting the identification for the template to a device, whereby the rights expression information can be enforced on a device based on the variable and the identification for the template.

The Gilliam patent, on the other hand, discloses managing usage rights based on rules. The Gilliam patent discloses a potential recipient specifying a first rights expression indicating a first manner of use of an item proposed by the potential recipient and a provider of an item specifying a second manner of use of the item and determining if there is a correspondence between the first rights expression and the second rights expression. See col. 3, of the Gilliam patent, starting on line 6.

- The Gilliam Patent Does Not Disclose or Suggest Specifying an Element Having a Variable and Corresponding Value for the Variable

The Gilliam patent describes a system to manage usage rights by matching a rights expression of a potential recipient with a rights expression of a provider to specify and enforce property rights for items such as goods and services. See col. 5, lines 53-62 of the Gilliam patent. On page 3 of the Final Office Action, the Examiner asserts that the Gilliam patent discloses “a) specifying rights expression information indicating a manner of use of an item, said rights expression information including at least one element, said element having a variable and corresponding value for said variable,” and cites the abstract, col. 3, line 1 through col. 4, line 39, col. 7, lines 11-23; col. 8, lines 1-9; col. 23, lines 34-47; and col. 26, lines 2-15 of the Gilliam patent to support this assertion.

However, these sections of the Gilliam patent disclose that one or more conditions can be satisfied in order to exercise the manner of use in a specified usage right. See col. 7, starting at line 11. This section mentions a “manner of use” but does not disclose or suggest a method of creating a rights expression for controlling use of an item where the rights expression information includes at least one element, and the element has a variable and corresponding value for the variable as recited in the independent claims of the present application.

Additionally, in column 8, lines 3-4, the Gilliam patent discusses that a rights language can be used to express a rights expression specifying the rights, conditions, state variables, and the like, for the rights label. However, the mention of a “state variable” in the Gilliam patent is different than “an element having a variable” as recited in the independent claims of the present invention. A state variable is a number representing a state of the usage right. For example, the state variable of the Gilliam patent is akin to a counter that represents how many times something has been used. In contrast, an “element having a variable” as recited in the independent claims, is a profiling technique for omitting a particular piece of information, which can be a right, a resource, a principal, and the like. It is not a counter or number that is updated as actions are performed.

The term “variable” in the present application is used with respect to a “template or profile”. In the present application, variables are the “holes” in the template. The present specification discloses, “An exemplary encoding process can include removing one or more values for variable fields from a rights expression to generate a template or profile for the rights expression.” See paragraph [0044] of the present application. “It is determined whether or not the license is in the profile by comparing the license and the profile to determine if the license and the profile are similar except for having different values for one or more corresponding variable values.” See paragraph [0077] and Figure 2 of the present application. The state variables described in the Gilliam patent represent counters that indicate status of use. Applicants respectfully submit that the Gilliam patent fails to disclose or suggest specifying rights expression information including an element having a variable and corresponding value for the variable as recited in the independent claims of the present application.

- The Gilliam Patent Does Not Disclose or Suggest Generating a Template of the Rights Expression Information, Including Removing the Value for the Variable from the Element

The independent claims of the present application also recites, “generating a template of said rights expression information, including removing said value for said variable from said element ...” On page 4 of the Final Office Action, the Examiner asserts that the Gilliam patent discloses this limitation and cites col. 9, lines 6-22; col. 11, lines 6-11; and col. 7, lines 39-55 of the Gilliam patent to support this assertion. However, in the cited portions of the Gilliam patent, there is no disclosure or suggestion of removing the value for the variable from the element of the rights expression information as recited in the independent claims of the present application. Instead, col. 9, lines 6-22 discusses conditions and prerequisites that are to be satisfied before a license server in accordance with the Gilliam patent is accessed by a Web server. The license server then generates the license. The Gilliam patent goes on to discuss that the license can include usage rights, but there is no disclosure or suggestion that the value for the variable is removed from the element as required by the independent claims of the present application.

The other portions of the Gilliam patent also fail to disclose or suggest the claimed limitation. For example, in col. 11, lines 6-11, the Gilliam patent discloses that the rights offer may include creating, deriving, or otherwise utilizing information that relates to rights

expressions, and that in an exemplary embodiment, the rights offer can be in the form of a pre-defined specification, profile, template, and the like, that can be associated with the protected content. This portion of the Gilliam patent appears to discuss a rights offer as a completed profile or template, but there is no disclosure or suggestion of removing the value for the variable from the element of the rights expression information as recited in the independent claims of the present application. The license in the Gilliam patent has all the values filled in, while a license in accordance with the present invention has a template generated and is represented by a template identification in conjunction with the values of the variables.

Similarly, in col. 7, lines 39-55 of the Gilliam patent, the discussion relates to state variables and not to variable fields in a license that may be removed to generate a template. In the cited portions of the Gilliam patent, there is no disclosure or suggestion of removing the value for the variable from the element of the rights expression information as recited in the independent claims of the present application. Instead, col. 7, lines 39-55 of the Gilliam patent discusses an exemplary embodiment where:

[S]tate variables can be used to track dynamic states, conditions, and the like. For example, the state variables can include variables having values that represent the status of an item, the status of usage rights, the status of a license or other dynamic conditions. The state variables can be tracked, for example, by clearinghouse 160 or another device, based on identification mechanisms in the license 142 and the ticket 134.

The Gilliam patent goes on to discuss an exemplary embodiment where the value of the state variables can be used in a condition.

For example, a usage right can include the right to redeem the item ticket 134 for specified goods and a condition can include that the usage right can be exercised three times. Each time the usage right is exercised, the value of the state variable can be incremented. In an exemplary embodiment, when the value of the state variable reaches three, the condition can no longer be satisfied and the ticket 134 can no longer be redeemed.

See the Gilliam patent, col. 7, lines 39-46.

However, there is no disclosure or suggestion in the Gilliam patent that the value for the variable is removed from the element as required by the independent claims of the present invention. State variables are not in the rights expression recited in the independent claims of the present invention, and as described above, state variables are not the same as the variable fields in the template. The Examiner's interpretation that the Gilliam patent's "each time the usage rights [sic] is exercised, the value of the state variable can be incremented" somehow discloses that the value for the variable is removed from the element is unfounded and is not supported by the Gilliam patent. As such, Applicants respectfully submit that the Gilliam patent fails to disclose or suggest generating a template of said rights expression information, including removing said value for said variable from said element as recited in the independent claims of the present application.

- The Gilliam Patent Does Not Disclose or Suggest Generating an Identification for the Template

The independent claims of the present application recites, "generating an identification for said template," and the Examiner asserts that the Gilliam patent discloses this limitation and cites Figures 1 and 3 of the Gilliam patent and the associated text. Figure 1 of the Gilliam patent illustrates "an exemplary digital rights management system on which various exemplary embodiments of the present [Gilliam] invention can be implemented" while Figure 3 illustrates an exemplary license that can be employed in the exemplary systems of the Gilliam patent. See the Brief Description of the Drawings in the Gilliam patent. As shown below, nowhere in either figure is an identification for a template indicated.

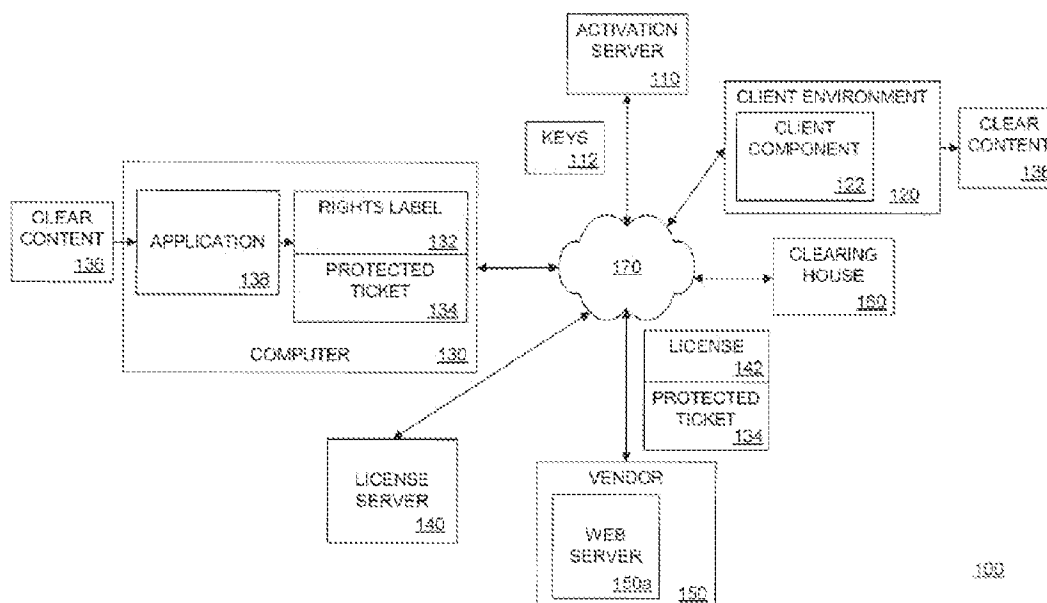


FIG. 1

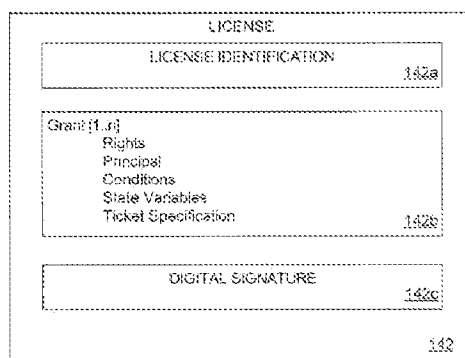


FIG. 3

The accompanying text to Figs. 1 and 3 also fails to disclose generation of an identification for the template. To wit, while Fig. 3 of the Gilliam patent discloses a license identification 142a, this is not the same as the template identification recited in the independent claims. The accompanying text to Fig. 3 in the Gilliam patent makes this clear stating:

FIG. 3 illustrates an exemplary license that can be employed in the exemplary systems of FIGS. 1 and 5. In FIG. 3, a rights expression in the form of the license 142, for example, can include a unique license identification (ID) 142a and a grant 142b, for

example, including usage rights, a principal, conditions, state variables, and a ticket specification designating an associated item ticket 134. The license 142 also can include a digital signature 142c, including any suitable cryptographic keys, and the like, for unlocking item ticket 134.

See col. 6, lines 47-56 of the Gilliam patent.

Similarly, the accompanying text to Figure 1 in the Gilliam patent describes a digital rights management system and the modules and components that make up the system, but nowhere in the Gilliam patent is there any indication of generation of a template identification as recited by the independent claims of the present application. As such, Applicants respectfully submit that the Gilliam patent fails to disclose or suggest generating an identification for said template as recited in the independent claims of the present application.

- The Gilliam Patent Does Not Disclose or Suggest Transmitting the Identification for the Template to a Device

The independent claims of the present application recites transmitting the identification for the template to a device adapted to situationally determine the variable and enforce the rights expression information based on the variable and the identification for the template. Since the Gilliam patent fails to disclose generating an identification for the template, the Gilliam patent cannot disclose transmitting the generated identification for the template to a device, much less a device adapted to situationally determine the variable and enforce the rights expression information based on the variable and the identification for the template.

The Examiner asserts that the Gilliam patent discloses this limitation and refers to the Abstract, col. 3, line 1 through col. 4, line 39, col. 45, and claim 1 of the Gilliam patent to support this assertion. The Abstract of the Gilliam patent discloses:

A system and method for enforcing rights expressions specifying manners of use of an item, include specifying by a potential recipient of an item a first rights expression indicating a first manner of use of the item proposed by the recipient; specifying by a provider of the item a second rights expression indicating a second manner of use of the item proposed by the provider; determining if there is a correspondence between the first rights

expression and the second rights expression; and applying a rule to a determined correspondence between the first rights expression and the second rights expression to determine if the recipient should be granted use of the item.

Likewise, claim 1 of the Gilliam patent recites:

1. A method for enforcing rights expressions specifying manners of use of an item, said method comprising:
  - specifying by a potential recipient of an item a first rights expression indicating a first manner of use of said item proposed by said recipient;
  - specifying by a provider of said item a second rights expression indicating a second manner of use of said item proposed by said provider;
  - determining if there is a correspondence between said first rights expression and said second rights expression;
  - applying a rule to a determined correspondence between said first rights expression and said second rights expression to determine if said recipient should be granted said first manner of use of said item; and
  - granting said first manner of use to said recipient, if said rule determines that said recipient should be granted said first manner of use of said item.

Nowhere in the cited portions of the Gilliam patent is there any disclosure or suggestion of transmitting the identification for the template to a device adapted to situationally determine the variable and enforce the rights expression information based on the variable and the identification for the template. As evident in the Abstract and in the independent claims, the method of enforcing rights expressions of the Gilliam patent focuses on a recipient indicating a manner of use of an item, a provider also indicating a manner of use for the item, and determining if the manners of use correspond. If the manners of use correspond, a rule is applied to determine if the recipient should be granted the manner of use for the item. There is no disclosure or suggestion of transmitting a template identification to a device that is adapted to determine the variable and then enforce the rights expression information based on the variable and the template identification, and the Examiner provides no further indication of the manner in which the Gilliam patent was interpreted as meeting the claimed limitation.



As such, Applicants respectfully submit that the Gilliam patent fails to disclose or suggest transmitting the identification for the template to a device adapted to situationally determine the variable and enforce the rights expression information based on the variable and the identification for the template as recited in the independent claims of the present application.

- The Gilliam Patent Does Not Disclose or Suggest the Rights Expression Information Can Be Enforced on a Device Based on the Variable and the Identification for the Template

The independent claims of the present application recites specifying rights expression information whereby rights expression information can be enforced on a device based on the variable and the identification for the template.

As outlined above, the Examiner asserts that the Gilliam patent discloses this limitation and cites the Abstract and claim 1 of the Gilliam patent to support this assertion. The Gilliam patent fails to disclose or suggest rights expression information that can be enforced on a device based on the variable and the identification for the template as recited in the independent claims of the present application. Instead, the Abstract of the Gilliam patent merely describes enforcing rights expressions specifying manners of use of an item. The Gilliam patent discusses managing usage rights based on rules but fails to disclose or suggest that rights expression information is enforced on a device based on the variable and the identification for the template. Similarly, claim 1 of the Gilliam patent merely recites a method for enforcing rights expressions by matching a potential recipient of an item (and their first rights expression) to the provider of the item (and their second rights expression). If the rights expressions match, the manner of use may be granted.

In contrast, in the present application, the profile of the rights expression information identifies subsets of the rights expression language that a particular interpreter supports and interprets by an encoding process that removes one or more values for variable fields from a rights expression (see paragraphs [0041-0046] of the present application). Profiling is employed to allow resource-constrained devices to participate in a rights-interpreted language system. See paragraph [0043] of the present application. The device can interpret the rights expression by looking up a template using the template identifier and use the values for the variable fields to

reconstruct the rights expression. In this fashion, the full rights expression does not need to be transmitted to the device. See paragraphs [0044-0046].

The Gilliam patent does not teach or suggest a device enforcing the rights expression information based on the variable and the identification for the template. As indicated above, the Gilliam patent fails to disclose or suggest all the elements recited in the independent claims of the present application.

Thus, Applicants respectfully submit that the Gilliam patent fails to anticipate the independent claims under 35 U.S.C. § 102(e) and that the independent claims are in proper condition for allowance. Those claims dependent on the independent claims are also allowable on their own merits or by virtue of their dependence. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e).

### **Conclusion**

In view of the above amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application and the timely allowance of the pending claims. Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380.

Respectfully submitted,

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